

# EXHIBIT B



Lance Sims &lt;lsims@pogo.org&gt;

## Fwd: FOIA request--news media--expert reports

1 message

**Katherine Hawkins** <khawkins@pogo.org>  
To: Lance Sims <lsims@pogo.org>

Mon, Sep 30, 2019 at 4:02 PM

9/18/2018 request (I guess it was actually sent on 9/17/2018 but they received it the next morning)

----- Forwarded message -----

From: **Katherine Hawkins** <khawkins@pogo.org>  
Date: Mon, Sep 17, 2018 at 5:34 PM  
Subject: FOIA request--news media--expert reports  
To: <foia@hq.dhs.gov>

Dear FOIA Official:

As a member of the news media, I am making this request under the Freedom Of Information Act ("FOIA"), 5 U.S.C. § 552.

Please provide the following records in a digital format:

Records of Immigration and Customs Enforcement's written response to: (1) complaint investigations, findings and recommendations from the Department of Homeland Security's Office of Civil Rights and Civil Liberties; and (2) reports, findings and recommendations by subject matter experts for the Department of Homeland Security's Office of Civil Rights and Civil Liberties.

I am seeking records dated from January 1, 2013 to the present. For reference, my request encompasses, but is not limited to, records described on pages 27, 29, and 34-43 of the following report to Congress, as well as analogous documents from prior years.

<https://www.dhs.gov/sites/default/files/publications/crcl-annual-2016.pdf>

I request a waiver of all costs associated with fulfilling this submission pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). Disclosure of the requested records will further the "public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest" of the requester, the Project On Government Oversight (POGO). Specifically, POGO intends to use the requested records in an investigation of conditions in ICE detention facilities.

If the request for a fee waiver is denied, please contact me about any incurred expenses prior to supplying the requested records. I hereby affirm that:

- 1) The records concern the operations of the federal government.
- 2) The records requested would provide additional currently nonpublic details on immigration detention
- 3) The records would be likely to contribute significantly to public understanding of allegations of rights violations, inhumane conditions of confinement, and inadequate medical care provided in ICE detention centers, and in conditions at family detention centers--a controversial topic that has generated numerous high-profile news stories in recent years.
- 4) POGO does not charge for access to its web site, reports, newsletters, or other publications. In addition, we do not directly profit from increased viewership of our website, as it is advertisement-free.
- 5) POGO has no financial interest in the requested information and is not a commercial organization. The primary interest in disclosure is that of the public interest. POGO investigates, exposes, and seeks to remedy systemic abuses of power and mismanagement in the federal government. Founded in 1981, POGO is a politically independent, nonprofit watchdog that promotes a government that is accountable to the citizenry. POGO disseminates information about its activities to the public,

Project On Government Oversight Mail Forwarding FOIA request - News Media expert reports

policymakers, and the media via email, direct mail, and its websites which receives over 100,000 unique views per month. The records provided by your agency will be used for the following activities, which are publicly available: publication by email and on POGO websites; publication in reports and newsletters issued by POGO; publication in the newsletters of affiliated nonprofit organizations; efforts to educate Congress, the Executive Branch, and other policymakers; or in conjunction with other members of the news media.

If this request is denied in full or in part, please cite each exemptions pursuant to 5 U.S.C. § 552(b) that justifies each denial. Please bear in mind that the foreseeable harm standard must be met before an exemption applies. If an exemption applies, however, please consider exercising the agency's discretionary release powers to disclose the records. Any such action supports the presumption of "openness" on which FOIA is based upon.

Additionally, please release all reasonably segregable portions of the records that do not meet an exemption. 5 U.S.C. § 552(b). In particular, please note that the factual evidence in experts' reports are not subject to attorney-client or deliberative process privilege.

Please do not hesitate to call me at (202) 347-1122 to see if I can clarify the request or otherwise expedite and simplify your efforts. Thank you for your prompt attention to this matter.

Sincerely,

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Investigator  
Project On Government Oversight  
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[khawkins@pogo.org](mailto:khawkins@pogo.org)

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